

311.1949 Effect of anatomical gift or advance health-care directive.

- (1) As used in this section:
 - (a) "Advance health-care directive" means a power of attorney for health care or a record signed or authorized by a prospective donor containing the prospective donor's direction concerning a health-care decision for the prospective donor;
 - (b) "Declaration" means a record signed by a prospective donor specifying the circumstances under which a life support system may be withheld or withdrawn from the prospective donor; and
 - (c) "Health-care decision" means any decision regarding the health care of the prospective donor.
- (2) If a prospective donor has a declaration or advance health-care directive and the terms of the declaration or directive and the express or implied terms of a potential anatomical gift are in conflict with regard to the administration of measures necessary to ensure the medical suitability of a part for transplantation or therapy, the prospective donor's attending physician and prospective donor shall confer to resolve the conflict. If the prospective donor is incapable of resolving the conflict, an agent acting under the prospective donor's declaration or directive, or, if none or the agent is not reasonably available, another person authorized by law other than KRS 311.1911 to 311.1959 to make health-care decisions on behalf of the prospective donor, shall act for the donor to resolve the conflict. Information relevant to the resolution of the conflict may be obtained from the appropriate procurement organization and any other person authorized to make an anatomical gift for the prospective donor under KRS 311.1925. Before the resolution of the conflict, measures necessary to ensure the medical suitability of the part from a prospective donor may be administered unless it is determined that the administration of those measures would not provide the prospective donor appropriate end-of-life care, or it can be anticipated by reasonable medical judgment that such measures would result in or hasten the prospective donor's death. If the conflict is not resolved expeditiously, the direction of the declaration or advance directive controls.

Effective: July 15, 2010

History: Created 2010 Ky. Acts ch. 161, sec. 20, effective July 15, 2010.